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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,046	06/21/2003	John P. Hunter JR.	HUNTER-SEAMLESS-CON	8450
4988	7590	07/30/2004	EXAMINER GLESSNER, BRIAN E	
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712			ART UNIT 3635	
PAPER NUMBER				

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,046

Applicant(s)

HUNTER, JOHN P.

Examiner

Brian E. Glessner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11 and 23-29 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to the applicant's amendment, the examiner would like to point out that claims 12-21 were canceled. However, the examiner believes that claims 12-22 should have been canceled because claim 22 is dependent upon claim 21. The examiner will not examine claim 22 until further clarification is provided.

Further, when the applicant canceled claims 12-21, and added new claims 22-28, the applicant misnumbered the claims. New claims 22-28 should have been numbered 23-29 because the original claims already included claim 22. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Misnumbered claims 22-28 been renumbered 23-29.

Claim Objections

1. Claims 6 and 23 are objected to because of the following informalities: Claims 6 and 23 contain the limitation "said first block has a density of about 2.5 to 3.16 cubic pounds per foot". The examiner believes that this should be 2.5 to 3.16 pounds per cubic foot. Appropriate correction is required.
2. Claim 7 is objected to because of the following informalities: Claim 7 is objected to because the preamble of the claim only claims a single panel. Then, the body of the claim claims

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multiple panels. This is confusing. The applicant should claim a panel system or a plurality of panels if more than one panel is going to be claimed. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-10, 23-26, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Paquette et al. (5,144,782) in view of Deibel et al. (6,358,599).

In regard to claim 6, Paquette discloses a hardened foam roofing panel comprising a first block of polyurethane foam, column 4, lines 67-68, wherein said first block has a top surface, a bottom surface, and at least one indented periphery. Paquette does not specifically disclose that said panel has a density of about 2.5 to 3.16 pounds per cubic foot, or that said top surface has an integral layer of fabric bonded to said block. Deibel teaches that it is known to make polyurethane roof insulating blocks with a density of about 2.5 to 3.16 pounds per cubic foot, column 9, lines 11-13, and to integrally bond a layer of fabric to said block, column 2, lines 58-60).

In regard to the density of the block, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make Paquette's block have a density within the above range, because the above density will make the panels relatively light in weight.

Therefore, they will be easier to handle during installation. Further, it has been held that where

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the general conditions of claim are disclosed in the prior art discovering the optimum or workable ranges involves only routine skill in the art.

In regard to the fabric layer, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a fabric layer into Paquette's invention, because, as taught by Deibel, the fabric layer will enhance the strength of the panel and increase the panels resistance to breaking, column 2, lines 58-60.

In regard to claim 7, Paquette in view of Deibel disclose the basic claimed invention, wherein said at least one first periphery is receptive to a second block of polyurethane foam having at least one second indented periphery of at least one second roofing panel, said at least one second block having a density substantially equal to said density of said first block. Said first and second blocks fitting together loosely, column 9, lines 14-50. The blocks obviously fit together loosely because water is capable of seeping through said blocks.

In regard to claims 8-10, Paquette in view of Deibel disclose the basic claimed invention, wherein said at least one first and second indented periphery are tongue and groove and form a ship lap joint, at least figures 3-5 show tongues and grooves. Paquette does not specifically disclose that said tongue is about 19 mm wide and said groove is about 22 mm wide. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the tongue and groove with the above dimensions, since it has been held that where the general conditions of claim are disclosed in the prior art discovering the optimum or workable ranges involves only routine skill in the art. Further, it is within the level of one having ordinary skill in the art to determine the proper dimensions of a panel for a given situation.

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In regard to claim 28 (submitted as new claim 27), Paquette in view of Deibel disclose the basic claimed invention, wherein said fabric is a polyester fabric. Deibel does not specifically disclose that it is non-woven. It would have been an obvious matter of design choice to one having ordinary skill in the art at the time the invention was made to use a non-woven material, since the applicant has not specifically disclosed that a non-woven material solves any stated problem or is used for any particular purpose.

In regard to claims 23-26, (submitted as new claims 22-25), Paquette in view of Deibel disclose the basic claimed invention. Claims 23-26 disclose the same limitations as claims 6-10. Therefore, claims 23-26 are rejected on the same grounds of rejection set forth above with respect to claims 6-10.

5. Claims 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paquette et al. (5,144,782) in view of Deibel et al. (6,358,599) and further in view of Dettbarn (5,079,885).

In regard to claims 11 and 29, Paquette in view of Deibel disclose the basic claimed invention except for specifically disclosing that the first and second panels each have an indented periphery comprising a first and second groove and that the panels are connected together by a tongue slideably mounted with said first and second groove. Dettbarn teaches that it is known to connect panels together using opposing grooves with a tongue inserted in said opposing grooves. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Dettbarn's teaching into Paquette in view of Deibel's invention, since the examiner takes the position that the opposing grooves, the tongue and groove, and the ship lap connections are functionally equivalent for their use in the panel connection art and the selection

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of any of these known equivalents would be within the level of one having ordinary skill in the art.


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Van Wagoner, Ruchgy, Hageman, Howland, O'Riordain, Potchen, Carlson et al., McMillan et al., Fujiki et al., Petersen, Horner, Jr. et al., Gluck et al., Heifetz and Figge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Glessner whose telephone number is 703-305-0031. The examiner can normally be reached on Monday-Friday 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brian E. Glessner
Primary Examiner
Art Unit 3635

B.G.
July 28, 2004